



Affiliated Tribes of Northwest Indians

2008 Winter Conference Yakima, Washington

RESOLUTION #08 - 18

"CALL UPON DEPARTMENT OF THE INTERIOR TO ENGAGE IN THE INDIAN GAMING REGULATORY ACT (IGRA) SECTION 20 RULEMAKING PROCESS"

PREAMBLE

We, the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

WHEREAS, the Affiliated Tribes of Northwest Indians is a regional organization comprised of American Indians in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of Affiliated Tribes of Northwest Indians; and

WHEREAS, the United States has a government-to-government relationship with Indian Tribes which is carried out by the Department of Interior pursuant to its policy of government-to-government consultation on regulations and rules impacting Indian Tribes; and

WHEREAS, the Bureau of Indian Affairs published a proposed regulation on October 5, 2006, regarding gaming on trust lands acquired after October 17, 2007; and

WHEREAS, there has been no action on the proposed regulation since its publication; and

WHEREAS, the Indian Gaming Regulatory Act (IGRA) at Section 20, authorizes a process whereby lands acquired after October 17, 1988, may be placed into trust for gaming purposes by the Assistant Secretary for Indian Affairs; and

WHEREAS, the Bureau of Indian Affairs (BIA) has established an internal guideline titled "Checklist For Gaming Acquisitions Gaming-Related Acquisitions and IGRA Section 20 Determinations for implementation of the Indian Gaming Regulatory Act (IGRA) Section 20", which was amended in September, 2007, without consulting Tribal Governments in violation of the government-to-government policy of the United States; and

WHEREAS, the amended "Checklist" includes a requirement that lands to be considered for a IGRA Section 20 two-part determination must first be held in trust by the United States Government under the 25 CFR 151 process; and

WHEREAS, On January 3, 2008, the Assistant Secretary for Indian Affairs issued a "Guidance on taking off-reservation land into trust for gaming purposes" for the discretionary authority to take land into trust under the Indian Reorganization Act, 25 CFR 151; and

WHEREAS, the new "guidance" gives greater scrutiny to the tribes justification of anticipated benefits from the acquisition and greater weight to concerns raised by state and local governments as to the acquisition's potential impacts on regulatory jurisdiction, real property taxes and special assessments; and

WHEREAS, the Assistant Secretary issued this "guidance" without notice or consultation to Indian Tribes; now

THEREFORE BE IT RESOLVED, that the Affiliated Tribes of Northwest Indians request the Department of Interior engage in a negotiated rulemaking process with Tribal Governments to adopt formal regulations governing the implementation of the IGRA Section 20 two-part determination process that respects the interests of Tribal Governments, including neighboring Indian Tribes, and state and local governments; and

BE IT FURTHER RESOLVED, that Affiliated Tribes of Northwest Indians calls upon the Department of Interior to withdraw the "guidance" issued on January 3, 2008, as it was adopted without Tribal Government input.

CERTIFICATION

The foregoing resolution was adopted at the 2008 Winter Conference of the Affiliated Tribes of Northwest Indians, held at the Yakima Convention Center, Yakima, Washington on January 25, 2008, with a quorum present.

Ernest L. Stensgar

Ernest L. Stensgar, President

Norma Jean Louie

Norma Jean Louie, Secretary